

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1998 OF 2007

Mrs.Sandhya P. Godse Petitioner
V/s.
The State of Maharashtra & Ors. Respondents

Mr.R.G. Ketkar with Mr.Sagar A. Joshi for the
Petitioner.

Mr.R.D. Rane, GP for Respondent Nos.1 and 2.

Mr.A.M. Joshi for Respondent Nos.5 and 6.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 3RD MAY, 2007.

P.C. :

1. Rule. Heard forthwith.

2. The Petitioner approached this court to impugn the order dated 23.2.2007, whereby the Petitioner has been declared to be surplus and consequential order that she be relieved.

3. Respondent No.6 had preferred an Appeal before the School Tribunal, Pune Region, being Appeal No.18 of 2006. From the judgment, it appears that present Respondent No.4, who was the Appellant before the School Tribunal, had challenged the seniority of

Respondent Nos.7, 8 and 9 before this Court. It is the case of the Petitioner that the Respondent No.4 had not challenged her seniority. According to the Petitioner, she was appointed on 1.3.1991 having qualifications of B.A. B.Ed. The School Tribunal however, in paragraph 8 of the judgment, held that the Appellant before it is senior to rest of the Respondents. In other words, there is finding recorded that even the Petitioner is junior to Respondent No.4.

4. Considering the above, the Petitioner will have to challenge the said order dated 29.8.2006, As the impugned order is merely consequential to the said order.

5. In the light of that, the present Petition can be disposed of by issuing the following directions :-

a). The Petition as presently filed would not be maintainable without challenging the order of the School Tribunal dated 29.8.2006.

b). Liberty to the Petitioner to challenge the order dated 29.8.2006 wherein the present

impugned order can also be challenged.

c). The Respondent Management as also the State authorities are directed not to give effect to the order dated 23.2.2007 for a period of six weeks from today.

6. Rule is accordingly made absolute with no order as to costs. These directions are subject to the order not having been given effect.

(R.M. SAVANT, J.)

(F.I. REBELLO, J.)